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MINUTES

July 31, 2000
Capitol
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.**

COMMITTEE MEMBERS PRESENT

Rep. William "Red" Menahan, Chairman
Sen. Tom Beck, Vice Chairman

Sen. B.F. "Chris" Christiaens
Sen. Mack Cole
Sen. Bruce D. Crippen
Sen. Steve Doherty
Sen. Debbie Bowman Shea

Rep. Billie I. Krenzler
Rep. Mark E. Noennig
Rep. Paul Sliter
Rep. Emily Swanson

COMMITTEE MEMBERS EXCUSED

Rep. Karl Ohs

STAFF PRESENT

Jo Ann Jones, Secretary

COMMITTEE ACTION

- C Passed a motion approving the transfer of the Xanthopoulos building and power plant on approximately 6 acres of land at the Warm Springs Hospital campus to Anaconda-Deer Lodge County
- C Declared by unanimous acclamation to offer the position of Executive Director to Lois Menzies
- C Passed motion to offer the Executive Director's position to Dan Ellison in the event that Ms. Menzies declined because of the amount of the offered salary

CALL TO ORDER AND ROLL CALL

Rep. Menahan called the meeting to order at 8:35 a.m. Roll call was noted. The minutes from June 7-8, 2000, were approved.

LAND TRANSFER ISSUE

Exhibit #1: Process and Criteria for Consultation on Land Transfers

Clive Rooney, Department of Natural Resources and Conservation (DNRC), presented Exhibit #1.

Mr. Rooney said the Land Board has preliminarily approved the transfer of the Xanthopoulos Building and power plant located on approximately 6.277 acres at Warm Springs State Hospital from the Department of Public Health and Human Services (DPHHS) to Anaconda-Deer Lodge County, pursuant to 77-2-302 and 351, MCA.

Sen. Christiaens asked if the power plant was no longer connected to the rest of the campus. Dan Anderson, DPHHS, said that the plant is no longer part of the hospital complex. Sen. Christiaens asked about the liability issues involving the space between

the buildings. Mr. Rooney said he was not aware of the need for an easement but the deed would specify how the two pieces of property would interact. Sen. Christiaens said that he would encourage further consideration of liability because one piece of that property is intended for use as a detention center.

Sen. Cole asked if there are plans to transfer other buildings in the complex. Mr. Anderson said there are no plans to transfer any other buildings besides the Xanthopoulos building and the power plant but, hopefully, a long-range building plan to demolish some unused buildings will be ready for the 2001 legislative session.

Sen. Beck asked if the Xanthopoulos building would have enough room to handle the overflow of court-ordered psychiatric evaluations. Mr. Anderson said that he hasn't discussed that question yet but the building's capacity exceeds current need and he feels that there would be interest in discussing housing the overflow.

Rep. Sliter asked if the Xanthopoulos building should be transferred if the hospital isn't large enough to house everyone. Rep. Menahan said the problem involved with housing hospital patients in the Xanthopoulos building is that the building is a secure unit, even more secure in some ways than maximum security at the state prison, which is unnecessary for the majority of the hospital population.

Rep. Noennig asked why the county is not making any payment for the buildings. Mr. Rooney said the appraised value for the Xanthopoulos building is \$5.2 million, but actual value to the state is different. The Department of Corrections has stated that it has no need for that building and has no maintenance budget to continue to mothball it. He said that if Anaconda-Deer Lodge County had to pay compensation for the building itself, it would likely be impossible for them to operate and maintain the building.

Mike Grayson, Anaconda-Deer Lodge County attorney, said the building requires a substantial amount of work before it can be utilized as a detention center or regional prison. He said he believes the appraised value is high considering that the building is landlocked in the state campus and is not located in an industrial park or other location that would allow it to be used as an office building.

Sen. Christiaens said he visited the prison recently and was told about planned building projects. There is a building that is being transferred but yet the Department of Corrections is planning to remodel elsewhere. He said that he would like to see a clause stating that the state retains a certain number of beds in the Xanthopoulos building at no extra cost. He said that he is concerned that no representatives from the Department of Corrections is present at the meeting.

Rep. Sliter asked about the time-line for the transfer. Mr. Rooney said the 60-day comment period has just begun and the soonest the transfer could be accomplished would be during the presentation to the Land Board meeting in September but, realistically, he would expect the transfer to be done at the Land Board meeting in October. Rep. Sliter recommended revisiting the issue at the Council's September meeting. Rep. Menahan said the Land Board has the ultimate authority to authorize the transfer and the Legislative Council can only review.

Sen. Beck said the transfer is necessary because Anaconda and Deer Lodge County have to have new jails, but there may be a situation in which the state would need some of the beds at the jail. Mr. Grayson said the number of seriously mentally ill people is neither predictable nor controllable but he believes a backup system will be in place in case the number of patients does not stay as low as is hoped. Mr. Anderson said there is no formal contingency plan.

Sen. Beck said there is no control over the number of court-ordered psychiatric evaluations. Mr. Anderson said there has been good cooperation with the scheduling

of evaluations. He said that he is worried less about that group of people than he is the more general forensic population. Mr. Grayson said many court-ordered evaluations are done in the jail environment itself. Those who are ordered to be transferred to the state hospital for evaluation remain at the county jail until the scheduled appointment and then are returned to that county with the report.

Sen. Shea asked if the Department of Corrections had been invited to the Council meeting. Mr. Rooney said the attorney in charge, who is apparently the most knowledgeable about this transaction, had to be in Deer Lodge today and felt he could not break that commitment.

Sen. Doherty said that he would like to hear comment from the Department of Corrections, too, and that if a motion were made today to approve this transfer, he would vote against it.

Sen. Christiaens moved that the land transfer proceed. The motion passed with Sen. Doherty and Rep. Sliter voting no.

EXECUTIVE DIRECTOR CANDIDATES

Sen. Cole moved to declare unanimous acclamation for Lois Menzies to be offered the position of Executive Director of the Legislation Services Division. The motion passed unanimously.

Sen. Christiaens asked what the procedure would be if Ms. Menzies declines to accept the offered salary. After discussion, it was decided that the position would then be offered to Dan Ellison. Jim Kerins asked if the Council intended to hold firm on the amount of the offered salary. Council consensus was affirmative.

Sen. Christiaens moved that if Ms. Menzies does not accept the position at the offered salary, then the position would be offered to Mr. Ellison. The motion was approved by unanimous voice vote.

OTHER BUSINESS

The Council decided to change the date of the next regular meeting to September 18. After discussion, it was decided to change party caucuses to the afternoon of November 17, 2000, after committee meetings in the morning. New legislator training will be November 30, December 1 and December 2.

ADJOURNMENT

There being no further business to come before the Legislative Council, the meeting was adjourned at 4:30 p.m.

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